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10/563,939

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Frank-Uwe Andersen

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STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

MEJIA, ANTHONY

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/563,939 | Applicant(s) ANDERSEN ET AL. | |
| | Examiner ANTHONY MEJIA | Art Unit 2151 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/01/2006 and 03/23/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgement is made that Claims 1-10 have been cancelled, and Claims 11-26 are now pending in the instant application.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent German Application No. 103 31 305.2, filed on 03 July 2003.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 11 and 25-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 13 of pending Application No. 11/047,618. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between claims 11 and 25-26 of the instant application and claims 1 and 13 of the other pending application are minor wording, in particular, that the following language was added to claims 1 and 13 of the other pending application:

Claim 1:

“wherein at least one digital rights management service is installed in the superpeer host computer, by means of which digital rights management service usage rights with regard to an electronic file which is transmitted from or to the mobile radio network-fixed network interface computer are specified.”

Claim 13:

“wherein an electronic file identified by the superpeer host computer according to the mobile radio peer-to-peer message is processed according to a digital rights management service installed in the superpeer host computer”

5. Claims 11 and 25-26 of the instant application is compared to claims 1 and 13 of the other pending application in the table below:

6.

| Instant Application: 10/563,939 | Pending Application: 11/047,618 |
|--|---|
| <p>Claim 11, a communication system, comprising:</p> <ul style="list-style-type: none">a fixed communication network;a mobile radio communication network;a mobile radio network-fixed network interface computer which is connected to the fixed communication network and to the mobile radio communication network for mapping a data stream between the fixed communication network and the mobile radio communication network;a superpeer host computer which is connected to the mobile radio network-fixed network interface computer; anda peer-to-peer message filter | <p>Claim 1, a communication system, comprising:</p> <ul style="list-style-type: none">a fixed communication network;a mobile radio communication network;a mobile radio network-fixed network interface computer which is connected to the fixed communication network and to the mobile radio communication network for mapping a data stream between the fixed communication network and the mobile radio communication network;a superpeer host computer which is connected to the mobile radio network-fixed network interface computer; anda peer-to-peer message filter |

which is disposed in the mobile radio communication network and which is set up such that peer-to-peer messages supplied to the peer-to-peer message filter from the mobile radio communication network are identified and can be delivered to the superpeer host computer.

Claim 26, a method for processing a peer-to-peer message in a communication system comprising:

which is disposed in the mobile radio communication network and which is set up such that peer-to-peer messages supplied to the peer-to-peer message filter from the mobile radio communication network are identified and can be delivered to the superpeer host computer,

wherein at least one digital rights management service is installed in the superpeer host computer, by means of which digital rights management service usage rights with regard to an electronic file which is transmitted from or to the mobile radio network-fixed network interface computer are specified.

Regarding Claim13, A method for processing a peer-to-peer message, comprising:

identifying a mobile radio peer-to-

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| <p>detecting a mobile radio peer-to-peer message with a computer comprising a peer-to-peer message filter disposed in a mobile radio communication network;</p> <p>mapping the mobile radio peer-to-peer message to a superpeer computer connected to a mobile radio network/fixed interface computer; and</p> <p>processing the mobile radio peer-to-peer message by the super computer</p> <p>Regarding Claim 26, a method for</p> | <p>peer message by a peer-to-peer message filter computer disposed in a mobile radio communication network;</p> <p>transmitting the mobile radio peer-to-peer message to a superpeer computer connected to a mobile radio network-fixed network interface computer; and</p> <p>processing the mobile radio peer-to-peer message by the superpeer host computer,</p> <p>wherein an electronic file identified by the superpeer host computer according to the mobile radio peer-to-peer message is processed according to a digital rights management service installed in the superpeer host computer.</p> <p>Regarding Claim13, A method for</p> |
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processing a peer-to-peer message in a communication system comprising:

detecting a mobile radio peer-to-peer message with a computer comprising a peer-to-peer message filter disposed in a mobile radio communication network;

mapping the mobile radio peer-to-peer message to a superpeer computer connected to a mobile radio network/fixed interface computer; and

processing the mobile radio peer-to-peer message by the super computer

processing a peer-to-peer message, comprising:

identifying a mobile radio peer-to-peer message by a peer-to-peer message filter computer disposed in a mobile radio communication network;

transmitting the mobile radio peer-to-peer message to a superpeer computer connected to a mobile radio network-fixed network interface computer; and

processing the mobile radio peer-to-peer message by the superpeer host computer,

wherein an electronic file identified by the superpeer host computer according to the mobile radio peer-to-peer message is processed according to a digital rights management service installed in the superpeer host computer.

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As shown on the above tables although the conflicting claims are not identical, they are patentably distinct from each other because a comparison between instant independent claim 11 and the independent claim 1 of the pending application are simply species of the broader claim 11 of the instant application. Hence, claim 1 of the instant application is generic to the species of the invention covered by claim 1 of the pending application. Thus, the broad generic invention is anticipated by the narrower of the species of the pending application thus without a terminal disclaimer, the species claims preclude issuance of the generic application. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993).

7. In further, Claims 12-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-10 of copending Application No. 10/563,939. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only differences between the two pending applications are minor wording, which do not change the scope of the invention. Refer to the below observation for obvious variations in claims 12-25 of the instant application and claims 4-10 of the pending application.

| | |
|--------------------------------|---------------------------------|
| Instant Application:11/047,618 | Pending Application: 10/563,939 |
|--------------------------------|---------------------------------|

Regarding Claim 12, The communication system according to claim 11, wherein the fixed communication network is based on internet protocols.

Regarding Claim 13, The communication system according to claim 11, wherein the superpeer host computer is disposed in the mobile radio communication network.

Regarding Claim 14, The communication system according to claim 11, wherein the mobile radio communication network is based on a mobile radio system of the third or a succeeding generation.

Regarding Claim 15, The communication system according to claim 14, wherein the mobile radio

Claim 4, The communication system according to claim 1, wherein the fixed communication network is based on internet protocols.

Claim 5, The communication system according to claim 1, wherein the superpeer host computer is disposed in the mobile radio communication network.

Claim 6, The communication system according to claim 1, wherein the mobile radio communication network is based on a mobile radio system of the third or a succeeding generation.

Claim 7, The communication system according to claim 6, wherein the mobile radio communication network is

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| <p>communication network is based on one of the following mobile radio communication networks:</p> <p>Universal Mobile Telecommunications System, or Future Public Land Mobile Telephone System.</p> <p>Regarding Claim 16, The communication system according to claim 8, wherein the mobile radio communication network is based on a mobile radio communication network according to Groupe Speciale Mobile platform.</p> <p>Regarding Claim 17, The communication system according to claim 15, wherein the mobile radio communication network is based on the Universal Mobile Telecommunications System platform, and the mobile radio</p> | <p>based on one of the following mobile radio communication networks:</p> <p>Universal Mobile Telecommunications System, or Future Public Land Mobile Telephone System.</p> <p>Claim 8, The communication system according to claim 1, wherein the mobile radio communication network is based on a mobile radio communication network according to Groupe Speciale Mobile.</p> <p>Claim 9, The communication system according to claim 6, wherein the mobile radio communication network is based on the Universal Mobile Telecommunications System, and the mobile radio network-fixed network interface computer is a</p> |
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| network/fixed network interface computer is a Gateway GPRS Support Node computer. | Gateway GPRS Support Node computer. |
| Regarding Claim 18, The communication system according to claim 11, further comprising an installation trigger of peer-to-peer service in the superpeer computer when the frequency of demand for the peer-to-peer service reaches a threshold value. | Claim 10, The communication system according to claim 1, further comprising an installation mechanism which is set up such that a peer-to-peer service is installed in the superpeer computer if the service is requested sufficiently frequently. |
| Regarding Claim 19, the communication system according to claim 12, wherein the superpeer host computer is part of the mobile radio communication network. | Claim 5, The communication system according to claim 1, wherein the superpeer host computer is disposed in the mobile radio communication network. |
| Regarding Claim 20, the communication system according to | Claim 6, The communication system according to claim 1, |

claim 19, wherein the mobile radio communication network is a third- or subsequent-generation mobile radio system.

Regarding Claim 21, the communication system according to claim 20, wherein the mobile radio communication network operates according to one of the following mobile radio communication platforms:

Universal Mobile Telecommunications System (UMTS), and Future Public Land Mobile Telephone System (FPLMTS).

Regarding Claim 22, the communication system according to claim 19, wherein the mobile radio communication network operates in accordance with Groupe Speciale Mobile (GSM) platform.

wherein the mobile radio communication network is based on a mobile radio system of the third or a succeeding generation.

Claim 7, The communication system according to claim 6, wherein the mobile radio communication network is based on one of the following mobile radio communication networks:

Universal Mobile Telecommunications System, or Future Public Land Mobile Telephone System.

Claim 8, The communication system according to claim 1, wherein the mobile radio communication network is based on a mobile radio communication network according to Groupe Speciale Mobile.

Regarding Claim 23, The communication system according to claim 21, wherein the mobile radio communication network operates based on the Universal Mobile Telecommunications System (UMTS) platform, and the mobile radio network/fixed network interface computer is a Gateway GPRS Support Node (GGSN) computer.

Regarding Claim 24, The communication system according to claim 23, further comprising an installation mechanism to trigger installation of peer-to-peer service in the superpeer computer when the frequency of demand for the peer-to-peer service reaches a threshold value.

Claim 9, The communication system according to claim 6, wherein the mobile radio communication network is based on the Universal Mobile Telecommunications System, and the mobile radio network-fixed network interface computer is a Gateway GPRS Support Node computer.

Claim 10, The communication system according to claim 1, further comprising an installation mechanism which is set up such that a peer-to-peer service is installed in the superpeer computer if the service is requested sufficiently frequently.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 11-13, 18-19, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsubura et al. (2004/0148434).

Regarding Claim 11, Matsubura teaches a communications system comprising:

a fixed-network communication network (P2P network) (par [0032]);

a mobile radio communication network (other network (e.g., Web) (par [0032]);

a mobile radio network/fixed network interface computer (P2P gateway server)

which is connected to the fixed- network communication network and to the mobile radio communication network for mapping a data stream (requests) between the fixed-network communication network and the mobile radio communication network (par [0032]);

a superpeer host computer (index server 214) which is connected to the mobile radio network/fixed network interface computer (par [0037]); and

a peer-to-peer message filter (P2P gateway server), provided in the mobile radio communication network, the peer-to-peer message filter being supplied with peer-to-peer messages from the mobile radio communication network, the peer-to-peer message filter detecting the peer-to-peer messages and supplying the peer-to-peer messages to the superpeer host computer (e.g., the P2P gateway server translates requests from one network (e.g., the Web) into equivalent requests on the other network (e.g., P2P), and vice versa. The P2P gateway server in effect interacts with the index server, par [0032] and [0037]).

Regarding Claim 12, Matsubura teaches the communication system according to claim 11 as discussed above. Matsubura further teaches wherein the fixed-network communication network operates based on an Internet protocol (Matsubara: par [0025]).

Regarding Claim 13, Matsubura teaches the communication system according to claim 11 as discussed above. Matsubura further teaches wherein the superpeer host computer is part of the mobile radio communication network (Matsubara: par [0037]).

Regarding Claim 18, Matsubara teaches the communication system according to claim 11 as discussed above. Matsubara further teaches wherein an installation mechanism to trigger (it is an inherent property to one of ordinary skill in the art at time the invention was made, that some automatic mechanism must be initiated in order to download frequently requested services) installation of peer-to-peer service in the

superpeer computer when the frequency of demand for the peer-to-peer service reaches a threshold value (Matsubura: par [0064]).

Regarding Claim 19, Matsubura teaches the communication system according to claim 12 as discussed above. Matsubura further teaches wherein the superpeer host computer is part of the mobile radio communication network (Matsubara: par [0037]).

Regarding Claim 25, Matsubura teaches a computer for peer-to-peer message communication between a mobile radio network (other network (e.g., Web) (par [0032]) and a fixed network communication network (P2P network) (par [0032]), comprising:

a peer-to-peer message filter (P2P gateway server) to receive peer-to-peer messages from the mobile radio - communication network, detect the messages and supply the messages to a superpeer computer (e.g., the P2P gateway server translates requests from one network (e.g., the Web) into equivalent requests on the other network (e.g., P2P), and vice versa. The P2P gateway server in effect interacts with the index server, par [0032] and [0037]); and

mapping means to map peer-to-peer messages between the mobile radio network and the fixed network communication network (par [0032] and [0037]).

Regarding Claim 26, Matsubura teaches a method for processing a peer-to-peer message in a communication system comprising:

detecting a mobile radio peer-to-peer message with a computer comprising a peer-to-peer message filter disposed in a mobile radio communication network (par [0032] and [0037]);

mapping the mobile radio peer-to-peer message to a protocol used in a fixed network (par [0032] and [0037]);

transmitting the mobile radio peer-to-peer message to a superpeer computer (index server 214) connected to a mobile radio network/fixed network interface computer (P2P gateway server) (par [0032] and [0037]); and

processing the mobile radio peer-to-peer message by the superpeer computer (par [0032] and [0037]).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubura and in further view of Kiss et al. (US 2008/0059595) (referred herein after as Kiss).

Regarding Claims 14, Matsubura teaches the communication system according to claim 11 as discussed above. Matsubura does not explicitly teach wherein the mobile radio communication network is a third- or subsequent-generation mobile radio system.

However, Kiss in a similar field of endeavor discloses a method and device for messaging including wherein a mobile radio communication network is based on a mobile radio system of the third or a succeeding generation (par [0095]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kiss in the Matsubura system in order to implement the third generation of mobile communication standards into the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Matsubura and Kiss to achieve a wider range of more advanced services while achieving greater network capacity for the users of the system.

Regarding Claim 15, the combined teachings of Matsubura and Kiss teach the communication system according to claim 14 as discussed above.

The combined teachings of Matsubura and Kiss further teach wherein the mobile radio communication network operates according to one of the following mobile radio communication platforms:

Universal Mobile Telecommunications System (UMTS), and Future Public Land Mobile Telephone System (FPLMTS) (Kiss: par [0095]).

Regarding Claim 16, the combined teachings of Matsubura and Kiss teach the communication system according to claim 11 as discussed above. The combined teachings of Matsubura and Kiss further teach wherein the mobile radio communication network operates in accordance with Groupe Speciale Mobile (GSM) platform (Kiss: par [0095]).

12. Claims 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubura in view of Kiss and in further view of Minborg (US 6,977,909).

Regarding Claim 17, the combined teachings of Matsubura and Kiss teach the communication system according to claim 15 as discussed above. The combined teachings of Matsubura and Kiss further teach wherein the mobile radio communication network operates based on the Universal Mobile Telecommunications System (UMTS) platform (Kiss: par [0095]). The combined teachings of Matsubura and Kiss do not explicitly teach wherein the mobile radio network/fixed network interface computer is a Gateway GPRS Support Node (GGSN) computer.

However, Minborg in a similar field of endeavor discloses a method and apparatus for exchange of information in a communication network including wherein a mobile radio network-fixed network interface computer is a Gateway GPRS Support Node Computer (col.4, lines 65-67, col.5, lines 1-6, and see fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Minborg in the Matsubura/Kiss system in

order to implement the mobility of GPRS technology into the system, and added available valued services associated with GGSN. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Matsubura/Kiss and Minborg to enhance the stability and scalability of the system for its users.

Regarding Claim 20, Kiss further teaches wherein the mobile radio communication network is a third- or subsequent-generation mobile radio system (Kiss: par [0095]).

Regarding Claim 21, the combined teachings of Matsubura and Kiss teach the communication system according to claim 20 as discussed above. The combined teachings of Matsubura and Kiss further teach wherein the mobile radio communication network operates according to one of the following mobile radio communication platforms:

Universal Mobile Telecommunications System (UMTS) (Kiss: par [0095]), and Future Public Land Mobile Telephone System (FPLMTS) (Kiss: par [0095]).

Regarding Claim 22, the combined teachings of Matsubura and Kiss further teach the communication system according to claim 19 as discussed above. The combined teachings of Matsubura and Kiss further teach wherein the mobile radio

communication network operates in accordance with Groupe Speciale Mobile (GSM) platform (Kiss: par [0095]).

13. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubura in view of Kiss and in further view of Minborg.

Regarding Claim 23, the combined teachings of Matsubura and Kiss teach the communication system according to claim 21 as discussed above. The combined teachings of Matsubura and Kiss further teach wherein the mobile radio communication network operates based on the Universal Mobile Telecommunications System (UMTS) platform (Kiss: par [0095]). The combined teachings of Matsubura and Kiss do not explicitly teach wherein the mobile radio network/fixed network interface computer is a Gateway GPRS Support Node (GGSN) computer.

However, Minborg in a similar field of endeavor discloses a method and apparatus for exchange of information in a communication network including wherein a mobile radio network-fixed network interface computer is a Gateway GPRS Support Node Computer (col.4, lines 65-67, col.5, lines 1-6, and see fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Minborg in the Matsubura/Kiss system in order to implement the mobility of GPRS technology into the system, and added available valued services associated with GGSN. One of ordinary skill in the art at the

time the invention was made would have been motivated to combine the teachings of Matsubura/Kiss and Minborg to enhance the stability and scalability of the system for its users.

Regarding Claim 24, the combined teachings of Matsubara/Kiss/Minborg teach the communication system according to claim 23 as discussed above. Matsubara further teaches wherein an installation mechanism to trigger (it is an inherent property to one of ordinary skill in the art at time the invention was made, that some automatic mechanism must be initiated in order to download frequently requested services) installation of peer-to-peer service in the superpeer computer when the frequency of demand for the peer-to-peer service reaches a threshold value (Matsubara: par [0064]).

Other Pertinent Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Clapton et al. (US 6,556,823) disclose a location dependent service for mobile telephones.

B. Rossotto et al. (US 2006/0235925) disclose a client-server system and method thereof for providing multimedia and interactive services to mobile terminals.

C. Colvin (US 2004/0117631) discloses a method for digital rights management including user/publisher connectivity interfaces.

D. Crawford (US 7,366,779) discloses a direct file transfer between subscribers

of a communications system.

E. Steiner et al. (US 2003/0065774) disclose a peer-to-peer based distributed search architecture in a networked environment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is (571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/563,939
Art Unit: 2157

Page 24

Mejia, Anthony
Patent Examiner

/Salad Abdullahi/

Primary Examiner, Art Unit 2157